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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,175	02/22/2006	Johann Thomas Rogatschnig	AT030047	2012

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

RACHUBA, MAURINA T

ART UNIT	PAPER NUMBER
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3723

MAIL DATE	DELIVERY MODE
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08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/569,175

Applicant(s)

ROGATSCHNIG, JOHANN
THOMAS

Examiner

Maurina Rachuba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to **be material to patentability** as defined in 37 CFR 1.56.

The declaration lacks the above wording.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi et al, 6,568,083. '083, figures 4A, 5 and 8, discloses a shaving apparatus with a housing, the housing having a passage that is bounded by a housing edge and the housing containing a motor **34** and a driving means **42** drivable by the motor, and with at least one short-hair cutting device **62** projecting out of the housing through the passage and comprising a short-hair cutting tool drivable by the motor and the driving means, and with at least one long-hair cutting device **66** projecting out of the housing through the passage and comprising a long-hair cutting tool drivable by the motor and the driving means, and with a carrying device **70** which carries both the short-hair

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cutting device and the long-hair cutting device and is provided for combined adjustment of the short-hair cutting device and the long-hair cutting device and being movable parallel to an adjustment direction between a first operating position and a second operating position such that both the short-hair cutting device and the long-hair cutting device, with the carrying device located in its second operating position, project farther out of housing than when the carrying device is located in its first operating position, wherein both with the carrying device located in its first operating position and with the carrying device located in its second operating position, both the drivable short-hair cutting tool of the short-hair cutting device and the drivable long-hair cutting tool of the long-hair cutting device are drivable by the motor and the driving means; and a sliding button **100** is provided for adjusting the carrying device, the button is accessible from outside the housing, slides parallel to the adjustment direction and is coupled to the carrying device. Note that the rotary motion of the button is a sliding motion, and that the rotary motion has a component that is parallel to the adjustment direction. Please refer to column 6, lines 23 through column 10, lines 55, for a complete discussion of the device.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al, 6,568,083 in view of Meyer et al, 3,855,697. '083 discloses that the carrying device **70** is U-shaped, but does not disclose the long-hair cutting configuration is essentially U-shaped in cross-section and has a long- hair cutting device in each of the areas of the free ends of its legs, wherein a short- hair cutting device is provided between the two long-hair cutting devices of the long-hair cutting configuration. '083 discloses that the long hair cutting device is provided between two short hair cutting devices. '697, in a powered razor, teaches providing a long-hair cutting configuration **2** that is essentially U-shaped in cross-section and has a long- hair cutting device **11** in each of the areas of the free ends of its legs, wherein a short- hair cutting device **1** is provided between the two long-hair cutting devices of the long-hair cutting configuration. It would have been obvious to one of ordinary skill in the art to have provided '083 with the U-shaped long hair cutting configuration as taught by '697, figure 4, to provide a compact construction, see column 1, lines 56-67.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other similar powered razors are cited of interest.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurina Rachuba whose telephone number is 571 272 4493. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Rachuba/
Primary Examiner
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